

Message Text

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12

ACTION L-02

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FM AMCONSUL MELBOURNE
TO SECSTATE WASHDC 2555
INFO AMEMBASSY CANBERRA
CINCPAC
AMCONSUL SYDNEY

UNCLAS MELBOURNE 0065

CINCPAC FOR POLAD

E.O. 11652: N/A
TAGS: ELAB, AS
SUBJECT: REQUEST FOR INFORMATION TO ASSIST FEDERAL JUDICIAL
INQUIRY

1. IN CONNECTION WITH A CONFLICT BETWEEN SEAMENS UNION AND FOREIGN SHIPPERS, THE FEDERAL GOVERNMENT HAS CREATED A COMMISSION OF INQUIRY HEADED BY FEDERAL JUSTICE SWEENEY. JUSTICE SWEENEY URGENTLY NEEDS INFORMATION RELATING TO KEY POINT RAISED BY COUNSEL IN HEARINGS WHICH HE IS NOW CONDUCTING. COUNSEL HAVE CITED SECTION 26 OF THE UNITED STATES MERCHANT MARINE ACT OF 1920 (JONES ACT) WHICH APPARENTLY PROHIBITS FOREIGN FLAG VESSELS ENGAGING IN INTERSTATE COMMERCE BETWEEN ANY PORTS WITHIN THE U.S. THE SAME SECTION APPARENTLY VESTS AUTHORITY IN THE SECRETARY OF THE TREASURY ON REQUEST FROM THE SECRETARY OF STATE TO GRANT A PERMIT FOR SUCH INTERSTATE TRANSPORT.

2. IT IS CLAIMED BEFORE MR. JUSTICE SWEENEY THAT THIS REGULATION IS STRICTLY ENFORCED AND THAT IN THE LAST 54 YEARS THERE HAS BEEN ONLY ONE EXCEPTION WHICH WAS RECENTLY MADE. NEITHER MR. SWEENEY NOR CONFLICTING COUNSEL HAVE AN ACCURATE CITATION OF THIS CASE.

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EM ON BEHALF OF JUSTICE SWEENEY LABATT MAKES URGENT REQUEST

FOR CITATION AND PRECIS OF CASE IF INDEED SUCH EXCEPTION HAS BEEN MADE. IN THE EVENT THAT BASIC INFORMATION HERE IS INCORRECT AND IN FACT EXCEPTIONS HAVE FREQUENTLY BEEN MADE LABATT FURTHER REQUESTS SOME MINIMAL STATISTICS ON NUMBER OF EXCEPTIONS GRANTED ON A YEAR BY YEAR BASIS.

4. COMMENT: SITUATION WAS BROUGHT ABOUT WHEN SEAMENS UNION WAS ACCUSED OF ACTING AS PERMISSIVE AUTHORITY FOR SUCH TRAFFIC AFFECTING FOREIGN VESSELS ENGAGED IN AUSTRALIAN INTERSTATE COMMERCE. IT IS FURTHER ALLEGED THAT SEAMENS UNION LEVIED A FEE ON SUCH COMPANIES CONSISTING OF A DIFFERENTIAL BETWEEN FOREIGN SEAMENS WAGES AND PREVAILING SEAMENS WAGE RATES IN AUSTRALIA. IT IS FINALLY ALLEGED THAT SEAMENS UNION HAS PLACED SUCH MONIES IN A FUND WHICH IT EXPENDS FOR POLITICAL PURPOSES INSTEAD OF PAYING THE MONEY TO FOREIGN SEAMEN ON WHOSE BEHALF IT WAS RAISED. PUBLIC OUTCRY AT EXPOSURE OF SUCH PRACTICE LED TO ESTABLISHMENT OF SWEENEY COMMISSION. SINCE JUSTICE SWEENEY IS SEEKING TO RENDER FULL BUT QUICK REPORT, LABATT WOULD APPRECIATE REPLY AS QUICKLY AS POSSIBLE.

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